

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOSE ORTIZ-PEREZ

CR. No. 05-cr-10115-JLT

**AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION TO EXTEND TIME TO FILE SUBSTANTIVE MOTIONS**

I, David Duncan, hereby depose and swear as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and admitted to the bar of this Court. I am also on this Court's CJA appointment list.
2. I was appointed to represent the defendant in the above-captioned case.
3. The government's case depends in part on a stop and search of the defendant which resulted in recovery of drugs, and on wiretaps. In order to prepare motions, I am in the process of reviewing voluminous discovery provided by the government in electronic form.
4. I have communicated with Assistant U.S. Attorney Neil Gallagher, and the government assents to this motion.

SUBSCRIBED UNDER PENALTIES OF PERJURY THIS 31st DAY OF JANUARY, 2005.

/s/ David Duncan

David Duncan

(BBO #546121)

Zalkind, Rodriguez, Lunt & Duncan, LLP

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March 2, 2006

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ David Duncan